

Title 32: PROFESSIONS AND OCCUPATIONS

Chapter 63-A: MICROPIGMENTATION HEADING: PL 1997, c. 383, §1 (new)

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Maine Revised Statutes

Title 32: PROFESSIONS AND OCCUPATIONS

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§4311. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1997, c. 383, §1 (NEW).]

1. Department. "Department" means the Department of Health and Human Services.

[1997, c. 383, §1 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

2. Micropigmentation. "Micropigmentation" means placing nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or medical purposes. "Micropigmentation" does not include tattooing.

[1997, c. 383, §1 (NEW) .]

3. Micropigmentation facility. "Micropigmentation facility" means any space where micropigmentation is practiced.

[1997, c. 383, §1 (NEW) .]

4. Micropigmentation practitioner. "Micropigmentation practitioner" means a person who practices micropigmentation.

[1997, c. 383, §1 (NEW) .]

SECTION HISTORY

1997, c. 383, §1 (NEW). 2003, c. 689, §B6 (REV).

§4312. LICENSE REQUIRED

1. Requirement. A person may not practice micropigmentation, display a sign or otherwise advertise or purport to be a micropigmentation practitioner unless that person holds a valid license issued by the department.

[1997, c. 383, §1 (NEW) .]

2. Term of license. A license issued under this chapter expires on September 30th and is renewable biennially.

[1997, c. 383, §1 (NEW) .]

3. Exemption. This chapter does not apply to a physician or a person acting under the control or supervision of a physician.

[1997, c. 383, §1 (NEW) .]

SECTION HISTORY

1997, c. 383, §1 (NEW).

§4313. LICENSING RULES

The department shall adopt licensing rules governing the practice of micropigmentation under this chapter. Rules adopted under this chapter are routine technical rules for purposes of Title 5, chapter 375, subchapter II-A. The rules must include the following. [1997, c. 383, §1 (NEW).]

1. Standards of practice. The department shall adopt rules that provide standards for the practice of micropigmentation that include at least the following.

- A. Instruments used for micropigmentation must be sterilized in a manner specified by the department. [1997, c. 383, §1 (NEW).]
- B. Micropigmentation facilities must be equipped with appropriate sterilization equipment, hot and cold running water and a covered waste receptacle. [1997, c. 383, §1 (NEW).]
- C. Case history records must be kept for each client. [1997, c. 383, §1 (NEW).]
- D. A micropigmentation practitioner must demonstrate safety, sanitation and sterilization procedures and knowledge of infection control. [1997, c. 383, §1 (NEW).]

[1997, c. 383, §1 (NEW) .]

2. Education and training. The department shall adopt rules specifying the education and training standards for the practice of micropigmentation. The rules may require continuing education.

The licensing rules must be adopted by the department by November 1, 1997.

[1997, c. 383, §1 (NEW) .]

SECTION HISTORY

1997, c. 383, §1 (NEW).

§4314. FEE

The fee for a license under this chapter may not exceed \$150. The fee required by this section includes the cost of a biennial inspection of the micropigmentation facility by the department. However, the department may inspect the facility at any time. All fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program. [2009, c. 589, §12 (AMD).]

SECTION HISTORY

1997, c. 383, §1 (NEW). 2009, c. 589, §12 (AMD).

§4315. ELIGIBILITY

To be eligible for a license under this chapter a person must: [1997, c. 383, §1 (NEW).]

1. Age. Be at least 18 years of age;

[1997, c. 383, §1 (NEW) .]

2. High school diploma. Have a high school diploma or equivalent education;

[1997, c. 383, §1 (NEW) .]

3. Additional training. Submit evidence of completion of education or training required by rules of the department under the direct supervision of a licensed micropigmentation practitioner; and

[1997, c. 383, §1 (NEW) .]

4. Compliance. Demonstrate ability to comply with the rules of the department.

[1997, c. 383, §1 (NEW) .]

SECTION HISTORY

1997, c. 383, §1 (NEW).

§4316. REVOCATION; SUSPENSION; OR REFUSAL TO ISSUE

The department may revoke, suspend or refuse to issue a license or renewal or place a licensee on probation if: [1997, c. 383, §1 (NEW).]

1. Conviction. The person has been convicted of a crime related to the practice of micropigmentation;

[1997, c. 383, §1 (NEW) .]

2. Deception or misrepresentation. Has engaged in any deception or misrepresentation to the department or the public in applying for a license under this chapter or in the advertising or practice of micropigmentation;

[1997, c. 383, §1 (NEW) .]

3. Incompetence. Has demonstrated negligence, incompetence or danger to the public in the practice of micropigmentation; or

[1997, c. 383, §1 (NEW) .]

4. Violation of rules. Has violated any of the rules adopted by the department under this chapter.

[1997, c. 383, §1 (NEW) .]

SECTION HISTORY

1997, c. 383, §1 (NEW).

§4317. COMPLIANCE

Beginning January 1, 1998, a person seeking to engage in the business of micropigmentation shall comply with the provisions of this chapter. [1997, c. 383, §1 (NEW).]

SECTION HISTORY

1997, c. 383, §1 (NEW).

§4318. PENALTIES

1. Penalty. A person who fails to be licensed as provided by section 4312 or violates the sterilization, sanitation or safety standards adopted by the department under section 4313 commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged for each violation.

[2013, c. 264, §16 (NEW) .]

2. Enforcement. A person who fails to pay a penalty imposed pursuant to this chapter:

A. May be referred to the Attorney General for appropriate enforcement action; and [2013, c. 264, §16 (NEW).]

B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the department, including attorney's fees. [2013, c. 264, §16 (NEW).]

[2013, c. 264, §16 (NEW).]

SECTION HISTORY

2013, c. 264, §16 (NEW).

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